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Items 109 and 115 of the
preliminary list*

RIGHT OF PEOPLES TO SELF-DETERMINATION

HUMAN RIGHTS QUESTIONS

Letter dated 11 June 1993 from the Permanent Representative of Equatorial Guinea to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the National Pact agreed upon and signed by the Government of the Republic of Equatorial Guinea and the political parties of the opposition on 18 March 1993 (see annex).

I should be grateful if you would arrange for the text of this letter and its annex to be circulated as a document of the General Assembly, under items 109 and 115 of the preliminary list.

(Signed) Dámaso-Obiang NDONG
Ambassador
Permanent Representative

* A/48/50.

ANNEX

National Pact between the Government of the Republic of Equatorial Guinea and the political parties signed in Malabo on 18 March 1993

The Government of the Republic of Equatorial Guinea and the political parties,

HAVING MET in the city of Malabo from 10 February to 16 March 1993 to establish the political basis for the creation of an external environment of political pluralism which will ensure the free development of political parties,

RECALLING that by virtue of Public Instrument No. 107 of 15 February 1993, issued by the Notary of the Island Region, Mr. Pedro NSUE ELA EYANG, the Agreements adopted between the Government and the political parties shall be binding between the parties and among the political parties themselves,

AFFIRMING their faith in the principle of the unity of mankind and, consequently, of all the people of Equatorial Guinea,

CONSIDERING that it is essential to promote the process of integrating the political parties in the fundamental legal system of the State, continuing dialogue and communication between the political parties and the Government, understanding and tolerance,

WISHING to promote a political culture of democracy which will permeate all political processes and the social and political behaviour of individuals in the State and in society,

CONSIDERING that any doctrine or defence of any form of political violence is scientifically false, legally and morally reprehensible, socially unjust and dangerous and that nothing can justify political violence either in theory or in practice,

CONSIDERING that meetings and demonstrations, as expressions of collective fundamental rights, cannot be prohibited except on the objective grounds that their purpose and goals are unlawful or illicit,

CONSIDERING also that the exercise of fundamental rights and public freedoms, which entail obligations and responsibilities, may be subject to certain formalities, conditions, restrictions or sanctions for reasons of national security, territorial integrity or public safety, the maintenance of law and order and the prevention of crime, the protection of health and morals, and the protection of the good reputation or rights of others, and to prevent the divulging of confidential information or guarantee the authority and impartiality of the judiciary,

CONSIDERING that the Government and the political parties should, as an expression of political pluralism, assume their respective obligations and responsibilities for the political, economic, social and cultural development of

the Republic of Equatorial Guinea in the general interest and the interests of the citizens of the country and groups of citizens,

In the light of the foregoing considerations, solemnly

DECLARE:

Their willingness to adopt these Agreements, which are of a binding nature, and to this end have appointed their Delegations, as follows:

For the GOVERNMENT:

- His Excellency Mr. Silvestre SIALE BILEKA, Prime Minister, Head of the Government and Chairman of the Negotiating Bureau,

- His Excellency Mr. Ricardo MANGUE OBAMA NFUBE, Minister, Secretary-General of the Presidency of the Government,

- His Excellency Mr. Julio NDONG ELA MANGUE, Minister of Territorial Administration and Local Communities,

- His Excellency Mr. Antonio-Fernando NVE NGU, Minister, Government Spokesman,

- His Excellency Mr. Mariano NSUE NGUEMA, Minister of Justice and Worship,

- His Excellency Mr. Francisco-Pascual EYEGUE OBAM ASUE, Minister Delegate of Youth and Sports,

- His Excellency Mr. Ernesto-María CAYETANO TOHERIDA, Minister of Labour and Social Advancement,

- His Excellency Mr. Ceferino EBURI MATA, Deputy Minister of Public Works, Housing and Town Planning,

- His Excellency Mr. Santiago NGUE NFUMU EYENGA, Secretary of State for the Press, Radio and Television,

- His Excellency Mr. Segundo MUÑOZ ILATA, Adviser to the Presidency on matters relating to Territorial Administration and Local Communities.

For the political parties:

- PARTIDO DEMOCRATICO DE GUINEA ECUATORIAL (PDGE):

  Messrs. Juan MICHA NSUE NFUMU, Antonio-Pascual OKO EBOBO and Matías LUBA BAHOSI,

- UNION POPULAR (UP):

  Messrs. Pedro EKONG ANDEME, Domingo ABUY ELO NCHAMA and Angel MASIE MEBUY,

- CONVENCION LIBERAL DEMOCRATICA (CID):

  Messrs. Alfonso NSUE MOKUY and Santos-Pascual BIKOMO NANGUANDE and Mrs. Genoveva NCHAMA NGUEMA,

- PARTIDO SOCIAL DEMOCRATA (PSD):

  Messrs. Benjamín-Gabriel BALINGHA BALINGA ALENE, Francisco MABALE NSENG and Vicente ONDO OBIANG,

- ALIANZA DEMOCRATICA PROGRESISTA (ADP):

  Messrs. Antonio EBANG MBELE ABANG, Antimo ESONO NDONG MAYE and Vicente KUKU MOCHE,

- UNION DEMOCRATICA SOCIAL (UDS):

  Messrs. Jesús NZE OBAMA AVOMO, Teodoro MITOGO MBA MANGUE and Angel MICO ALO,

- PARTIDO DEL PROGRESO (PP):

  Messrs. Tomás BOICHEKO BONEKE, Pablo NDONG ENSEMA and Antonio NKULU ASUMU,

- CONVERGENCIA SOCIAL DEMOCRATICA Y POPULAR (CSDP):

  Messrs. Secundino OYONO AGUONG ADA, Francisco ABAGA NBONG and Manuel OWONO OBAMA ALENE,

- PARTIDO DE LA COALICION SOCIAL DEMOCRATA (PCSD):

  Messrs. Buenaventura MOSWUI m'ASUMU, Nicolás MASSOKO ELONGA and Norberto SIBOKO,

- CONVERGENCIA PARA LA DEMOCRACIA SOCIAL (CDS):

  Messrs. Amancio-Gabriel NSE ANGUE, José-Luis NVUMBA MAÑANA and Plácido MICO ABOGO,

- ACCION POPULAR DE GUINEA ECUATORIAL (APGE):

  Messrs. Casiano MASI EDU, Miguel ESON EMANE and Carmelo MBA BAKALE,

Which, having resolved to conclude a NATIONAL PACT to this end,

HAVE AGREED as follows:

1. The Agreements adopted shall be binding between the Government and the political parties and among the parties themselves.

2. Communiqués shall be drafted and released to the media by a member of the Government and a member of the delegation of the parties, designated

alternately, and they shall respond jointly to questions put directly by accredited journalists.

3. The Government of the Republic of Equatorial Guinea, either automatically or at the request of the political parties of the opposition, shall decide to release all prisoners and detainees held for reasons of conscience or opinion in national prisons, police stations and similar premises.

The Government of the Republic of Equatorial Guinea shall cooperate with the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration and other international organizations with a view to the return and relocation of citizens of Equatorial Guinea overseas who wish to return to their country.

4. For the legalization of the political parties, the Government and the Administration shall not require any conditions other than those established in the Political Parties Act.

The procedures for the recognition and legalization of the political parties shall be completed within the time-limit established in the Parties Act, or, failing that, the Administrative Procedures Act.

The Follow-up Commission shall, however, monitor the timely implementation of the Agreement adopted in this respect.

5. With a view to improving the normal exercise of human and political freedoms throughout the national territory, IT IS AGREED THAT:

(a) No peripheral authority may establish barriers within the national territory to impede the free movement of persons, goods and propaganda material of the political parties, with the exception of those contemplated for reasons of national security and customs control.

(b) The Government shall prohibit any refusal to issue passports and visas. The competent authorities shall proceed to issue visas within twenty-four hours at the request of those concerned. The Government and the Administration shall take the measures necessary to simplify the procedures for obtaining passports and visas and reduce the corresponding fees.

(c) The entry into and search of residences and offices for political reasons shall be prohibited.

(d) The retention and violation of letters, envelopes and other correspondence shall also be prohibited, except for reasons relating to customs declarations.

(e) All extrajudicial deportations shall be abolished.

6. The Government and the political parties shall grant the political parties equal conditions of access to the State-owned media (press, radio and television) on the following terms:

(a) During a "NON-ELECTION PERIOD", each political party shall be allowed ten minutes a week, free of charge, to broadcast notices and communiqués on the national radio and television stations.

(b) During an "ELECTION PERIOD", each political party shall be allowed, also free of charge, sixty minutes a week to broadcast its ideological principles, political programme and electoral platform on the national radio station of Equatorial Guinea and thirty minutes a week on the national television station.

(c) The right of the parties to correct and reply to news reports broadcast by the media shall be recognized.

This right, however, may not be exercised by the political parties when the Government, in the exercise of its political responsibility, responds to damaging statements made by the parties in the foreign media.

(d) The national media shall give news coverage to the activities of the political parties.

7. The Government and the political parties of the opposition, in order to ensure and guarantee the effective exercise of civil and political rights by the citizens of Equatorial Guinea and the political parties, HAVE AGREED to the adoption of the following Agreement:

(a) The Government and the political parties of the opposition shall undertake to prohibit any act, activity or omission designed to intimidate or restrict the free exercise by the citizens of Equatorial Guinea of the fundamental rights and freedoms recognized in article 13 of the Basic Law and other agreed texts. Similarly, the Government shall undertake to guarantee and ensure the free conduct of the activities of the political parties throughout the national territory.

(b) The Government, utilizing the legal machinery, shall punish all arbitrary acts committed by public officials and Government agents which tend to reduce or restrict the rights and freedoms provided for by law.

(c) The Government shall undertake to prohibit any interference by the Authority which might make it difficult for the political parties to comply with article 9 of the Basic Law, having regard to the relative ranking of any lesser provisions which might obstruct that constitutional mandate.

(d) The Government shall undertake to prohibit, with effect from this date, the mandatory payment of dues to the Partido Democrático de Guinea Ecuatorial by civil servants, public contractors and employees of private and quasi-public enterprises who are not affiliated to that Party.

The Administration shall not allow any political party to collect its dues through payroll deductions.

(e) The Government shall undertake to adopt or initiate the measures necessary to determine the scope of discretionary powers with a view to avoiding

situations of arbitrary action in the interpretation and application of the legislation governing the exercise of political pluralism.

(f) The political parties, in turn, shall undertake to instruct and educate their militants to show scrupulous respect for the law and to hold them statutorily responsible for compliance with the law.

8. The Government of the Republic of Equatorial Guinea and the political parties AGREE on the following:

(a) The political parties shall undertake to promote a healthy coexistence among the parties and make common cause with each other on matters of national interest previously agreed upon.

In the case of a national event, conflict situation or incident which endangers or might endanger the stability of the State of Equatorial Guinea, the political parties which are represented in Parliament shall meet with the Government with a view to the adoption of strategies to resolve the situation which has arisen.

The meetings shall take place at the request of the Government or of the political parties.

(b) The free use by all the political parties of the traditional court rooms and of meeting halls.

In cases where there may be none, meetings may be held in the streets and public thoroughfares, as provided for in article 3, paragraph 2, of Act No. 4/1992 of 6 January.

(c) Respect for and protection of the leaders of the political parties by the authorities responsible for public order.

(d) The non-participation by the military and apolitical civil authorities in the outreach committees of the political parties, with the exception of those designated for reasons of security.

(e) The correct and fair interpretation of article 11 of the Political Parties Act, which prohibits the affiliation of judges, magistrates, prosecutors, ministers of various religions, foreigners and members of the armed forces and security forces of the State with any political group.

9. The Government and the political parties of the opposition, aware of the economic and budgetary difficulties which the country is experiencing, in order to provide for the total financing of the political parties and the subsidizing of election costs, and in the light of the budgetary appropriations for the subsidizing of the costs of legislative and municipal elections and the financing of the political parties which obtain seats in Parliament, AGREE as follows:

(a) The political parties shall be provided with funds to cover their real needs and election costs.

(b) The Government, with the support of the political parties and in order to obtain the financial resources, shall resort to:

(b.1) The budget estimates of the General Budget of the State.

(b.2) Bilateral cooperation, and

(b.3) Multilateral cooperation.

(c) As soon as the negotiations have culminated in the signing of the Agreements, the Government and the political parties shall organize, at Malabo, a Donors' Round Table, with the participation of friendly countries and international organizations, in order to attract the necessary financial resources.

(d) The Government, the political parties and the donors shall, in the light of the specific amount of resources contributed, determine the areas in which they will be used and the modalities for their utilization.

10. The Government and the political parties, conscious of the need for transparency and for the proper registration of all citizens of Equatorial Guinea in the electoral roll, AGREE as follows:

(a) A thorough review of the electoral roll shall be carried out with the assistance of international experts and the collaboration of the political parties. For the conduct and financing of this review, as the case may be, recourse will be had to:

(a.1) Bilateral cooperation, and

(a.2) Multilateral cooperation.

(b) The political parties shall have direct access to the data relating to the electoral roll used in the Ministry of Planning and International Cooperation, as well as to the sources of reference for those data.

(c) The Monitoring and Follow-up Commission, or a Joint Government-Opposition Special Commission, as the case may be, shall monitor the transparency of the electoral roll on a continuous basis.

11. In view of the position put forward by the Government delegation concerning the need for the preparation of an electoral timetable in accordance with the Basic Law of Equatorial Guinea and the term of the mandate of the House of People's Representatives.

In view of the conditions set forth by the political parties of the opposition for the establishment of the electoral timetable, the political parties have decided to make the following demands to the competent political authorities:

(a) The Government should grant a period of ten months prior to the holding of elections and following the thorough review of the electoral roll in

order to facilitate the preparation and conduct of political and organizational activities by the political parties throughout the national territory.

(b) The political parties appeal for consideration of the possibility of a thorough review of the Electoral Law, through the inclusion therein of the observations which the political parties will submit, once they have been studied, and which will introduce greater clarity and transparency into the whole electoral process.

(c) The participation of international observers throughout the electoral process.

Accordingly,

The Government delegation and the political parties of the opposition AGREE to present their respective positions to the competent political authorities.

12. In view of agenda item 12 concerning non-interference by foreign States and diplomatic missions accredited to Equatorial Guinea in the processes of political participation and opposition, and after an intensive and far-reaching debate with arguments and counter-arguments in support of the theses maintained, on the one hand, by the Government delegation, the Partido Democrático de Guinea Ecuatorial (PDGE) and the Partido Convención Liberal Democrática (CLD) and, on the other, by the other political parties, the negotiating parties have adopted an Agreement to DISAGREE on this point.

13. The Government delegation and the political parties AGREE that:

The Government of the Republic of Equatorial Guinea shall grant tax exemptions for the importation of movable property, vehicles and office equipment by the political parties intended for use in the conduct of their political activities.

The political parties must adapt their petitions for ad hoc exemptions to comply with the existing procedure.

In order to prevent the importation of goods for commercial purposes, each political party shall submit an annual budget reflecting an estimate of its real needs, and on that basis the Government shall, in each case, grant specific exemptions.

The goods exempted shall not be subject to resale without the prior authorization of the Government.

14. The Monitoring and Follow-up Commission shall, in addition to the functions indicated by its title, have the functions envisaged in the Agreements which have been adopted.

The Commission shall be composed of five members designated by the Government and one for each political party. Its Chairman shall be elected democratically by the plenary Commission from among the five members designated by the Government.

The designated members of the Commission shall be duly accredited by the Presidency of the Republic.

The political parties shall, within two days, make known the full names of the persons designated by them.

In the performance of its functions, the Commission shall issue reports on the investigations carried out and shall submit them to the Government and the political parties with recommendations.

The Commission shall be validly constituted when three quarters of its members are present and it shall be convened by its Chairman or at the request of one third of its members. Its decisions, agreements and/or reports shall be adopted by an absolute majority of those present, with the favourable vote of at least two members of the Government delegation.

The Commission shall draw up and approve its own rules of procedure and shall also prepare a quarterly memorandum on its activities, which it shall submit to the Government and the political parties.

The Government shall provide the Commission with the necessary funds and resources for its normal functioning.

15. The Government and the political parties AGREE that this NATIONAL PACT shall be given the status of a Public Instrument for all relevant purposes.

This NATIONAL PACT shall enter into force on the date of its signature.

In witness whereof, the undersigned, being duly authorized thereto by their respective statutory instruments, have signed this NATIONAL PACT, done in twelve identical copies, at the city of Malabo, on the eighteenth day of March in the year one thousand nine hundred and ninety-three.

FOR THE GOVERNMENT OF THE
REPUBLIC OF EQUATORIAL GUINEA
Silvestre SIALE BILEKA

FOR THE PARTIDO DEMOCRATICO DE GUINEA
ECUATORIAL (PDGE)
Juan MICHA NSEU NFUMU

FOR UNION POPULAR (UP)
Domingo ABUY ELO NCHAMA

FOR CONVENCION LIBERAL DEMOCRATICA (CLD)
Alfonso NSUE MOKUY

FOR THE PARTIDO SOCIAL DEMOCRATA (PSD)
Benjamin-Gabriel BALINGHA BALINGA ALENE

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Antonio EBANG MBELE ABANG

FOR UNION DEMOCRATICA SOCIAL (UDS)
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José-Luis NVUMBA MAÑANA

FOR ACCION POPULAR DE GUINEA ECUATORIAL
(APGE)
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